

JUDGE SCHENDLIN

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES PASCUITI, JOSEPH
REILLY and WALTER
RYNASKO,

Plaintiffs,

v.

NEW YORK YANKEES,

Defendant.

Civil Action No.

98 CIV. 8186

CIVIL ACTION

COMPLAINT

S.D. OF N.Y.

FILED
DISTRICT COURT
JUN 17 4 19 PM

Plaintiff James Pascuiti, residing at 413 New Providence Road, Mountainside, NJ; Plaintiff Joseph Reilly, residing at 72 Palmer Avenue, Tenafly, NJ; and Plaintiff Walter Rynasko, residing at 100 West 89th Street, New York, NY; by way of Complaint against the Defendant, say:

JURISDICTION

1. This is a suit under Title III of the Americans with Disabilities Act, 42 USCA 12181 et seq. The Court has jurisdiction pursuant to 28 USCA 1343 and 42 USCA 12188. The Court has pendent jurisdiction of the State law claims.

PARTIES

2. Plaintiffs Pascuiti and Reilly are residents and citizens of the State of New Jersey. Plaintiff Walter Rynasko

is a resident and citizen of the State of New York. As a result of traumatic injury in 1963, 1966 and 1986, respectively, Plaintiffs are quadraplegic and use a wheelchair for mobility.

3. The Defendant New York Yankees leases a sports stadium at 161st Street and River Road, in the Borough of the Bronx and City of New York. The Defendant's stadium is a place of public accommodation within the scope of the Americans with Disabilities Act, 42 USC 12181; New York State's Executive Law §296(2); and New York City Human Rights Law §8-107(4) of the Administrative Code of the City of New York. The stadium seats in excess of 50,000 people.

FACTS

4. Plaintiffs are Yankee fans who have attended many Yankee games in the past and desire and intend to attend games in the future.

5. Plaintiffs have in the past and intend in the future to attend Yankee games in the company of friends, family, and other companions.

6. The Defendant provides only two options where wheelchair users can attend and view a game:

7. One is behind the Main Box level, an area isolated from the rest of the stadium, where sight lines are more restricted than in the rest of the stadium; where the Defendants do not provide conventional seating for those of Plaintiff's companions who do not use wheelchairs; and where the price of the ticket is nearly one hundred percent more than other general seating.

8. The second area is a small number of field box level seats where the Defendants permit wheelchair users to sit with only one companion at a time; and where the price of a ticket is one hundred percent higher than the cost for most other field box level seats, and nearly two hundred percent higher than other general stadium seating.

9. By virtue of these pricing and seating policies, Plaintiff is either restricted to an area isolated from the rest of the stadium, with no seating for his companions, and with an inferior view of the game for a price greater than that which is available to fans who do not use wheelchairs; or, is required to spend substantially more money than most other fans and is restricted to attending with only one companion at a time.

10. On information and belief, Defendants maintain other policies, practices and structural impediments to accessibility which discriminate against the disabled, including the provision of too few wheelchair spaces for the disabled and non-accessible bathrooms and other architectural elements in areas open to the public.

COUNT I

11. The Defendant's premises, practices, and policies as identified herein discriminate against the disabled in violation of 42 USCA 12181 et seq.

COUNT II

12. The Defendant's premises, practices, and policies as identified herein discriminate against the disabled in violation of Executive Law §296(2).

COUNT III

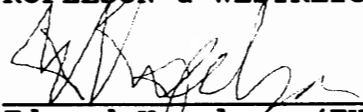
13. The Defendant's premises, practices, and policies as identified herein discriminate against the disabled in violation of New York City Human Rights Law §8-107(4) of the Administrative Code of the City of New York.

WHEREFORE, Plaintiff seeks judgment against the Defendant for remediation of their policies and premises, attorney fees, costs of suit, damages, punitive damages, and such other relief as the Court deems just.

KOPELSON & WESTREICH

Dated: November 12, 1998

By:


Edward Kopelson (EK3847)